

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

AUG 07 2008

JOHN F. CORCORAN, CLERK
BY: *J. J. J. J.*
DEPUTY CLERK

KIM C. DANIEL,

Plaintiff,

CIVIL No. 6:07cv00020

v.

ORDER

MICHAEL J. ASTRUE, COMMISSIONER OF
SOCIAL SECURITY,

Defendant

JUDGE NORMAN K. MOON

On November 20, 2007, I referred this case to the Honorable Michael F. Urbanski, United States Magistrate Judge, for proposed findings of fact and a recommended disposition. The parties subsequently filed cross motions for summary judgment and on July 22, 2008, the Magistrate Judge filed a Report and Recommendation ("Report"). In the Report, Judge Urbanski recommended that the case be remanded to the Commissioner for further proceedings. After a review of the entire record in this case, and no objection having been filed to the Report within ten days of its service upon the parties, I adopt the Report in its entirety.

Accordingly:

1. the July 22, 2008, Report shall be, and it hereby is, ADOPTED in its entirety;
2. Plaintiff's motion for summary judgment [Docket #11] is hereby GRANTED to the extent that it requests a remand for new proceedings, but DENIED to the extent that it asks for the award of benefits;
3. Defendant's motion for summary judgment [Docket #16] is hereby DENIED;
4. the case is hereby REMANDED to the Commissioner for further proceedings consistent with the direction given in the Report; and

5. the Clerk of the Court is hereby ORDERED to strike this case from the Court's docket.

The Clerk of the Court hereby is directed to send a certified copy of this Order to all counsel of record and to Magistrate Judge Urbanski.

It is so ORDERED.

ENTER: This 7th day of August, 2008.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE